

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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COMPLAINT ON POSTeCS

Docket No. C99-1

**UNITED STATES POSTAL SERVICE
RESPONSE TO PRESIDING OFFICER'S RULING NO. C99-1/27
AND
MOTION TO DISMISS COMPLAINT**

On September 5, the Presiding Officer issued Ruling No. C99-1/27 noting there has been a major change in circumstances regarding PosteCS service. In particular, the Presiding Officer explained that the Postal Service had announced its intention to discontinue its PosteCS service. Consequently, the Presiding Officer stated that the controversy appears to be moot. He directed the Postal Service to provide a pleading declaring the status of PosteCS service by September 19.

The attached declaration from the product's former program manager clearly explains that the Postal Service's PosteCS service has been terminated. Specifically, on February 1, the Postal Service discontinued the sales function for its PosteCS service. On March 1, no new customers could register for the Postal Service's PosteCS service. As of April 30, no new transactions could be initiated with the Postal Service's PosteCS service. Recipients could no longer access messages after May 31. Declaration of Leo J. Campbell ¶ 3.

An adjudication is moot when no live controversy remains. *See Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). The rarely invoked exception to the mootness doctrine for controversies capable of repetition is clearly inapplicable

here. As explained in the attached declaration, there is no likelihood of repetition because the Postal Service has no plans to offer PosteCS service. Declaration of Leo J. Campbell ¶ 4. Moreover, any allegation of harm resulting from the provision of a future PosteCS or similar service could not be said to be so brief in duration that, by its very nature, it will tend to evade review. *Cf. Weinstein v. Bradford*, 423 U.S. 147, 149 (1975); *see also Sysco v. Martin*, 983 F.2d 60 (6th Cir. 1993) (concluding that likelihood of repetition was remote and therefore administrative agency should have dismissed adjudication as moot).

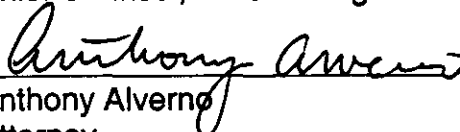
WHEREFORE, the Postal Service respectfully requests that the complaint be dismissed as moot.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking


Anthony Alverno
Attorney

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2997; Fax -6187
September 19, 2002

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COMPLAINT ON POSTECS

Docket No. C99-1

DECLARATION OF LEO J. CAMPBELL

1. My name is Leo Campbell. I serve in the office of New Businesses Operations within the U.S. Postal Service's Marketing organization. I have been employed by the Postal Service for eleven years.

2. In 2002, I served as the program manager for PosteCS service and supervised the discontinuation of the service.

3. PosteCS service has been terminated. On February 1, 2002, the Postal Service discontinued the sales function for PosteCS service. As of March 1, 2002, no new customers could register for the service. As of April 30, 2002, no new transactions could be initiated with the Postal Service's PosteCS service. Recipients could no longer access messages after May 31, 2002.

4. The Postal Service has no plans to reintroduce PosteCS service.

I declare under penalty of perjury that the following is true and correct to the best of my knowledge and information.

Executed this 19th day of September 2002 at Washington, DC.


LEO J. CAMPBELL

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.


Anthony Alverno

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
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September 19, 2002